

## **DETAILED ACTION**

### ***Withdrawn Rejections***

Any rejections and or objections, made in the previous Office Action, and not repeated below, are hereby withdrawn due to Applicant's amendments and new claims in the response dated October 21, 2009.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 22, 24 and 29 - 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Cooper (USPN 6,644,722).

Cooper discloses an integral plastic and metal part (Figures) comprising: a metal component having a closed cross section defining an interior and exterior (Figure 4; Column 7, lines 13 – 20) and having a first opening defining edges and a second opening opposite said first opening (Figure 4, #60 and 63) for allowing a core tool to be inserted into said interior of said metal component during a molding operation (Column 7, lines 24 – 32); and a plastic component disposed about at least a portion of said exterior of said metal component (Figure 4, #15), a portion of said plastic material disposed through said first opening and including a flange

extending beyond said edges of said first opening and into said interior of said metal component for securing said plastic component to said metal component (Figure 4, #15 and 66), said plastic component not covering said second opening (Figure 4, #60); wherein said plastic component includes at least one integrally formed connection member extending outwardly therefrom, said at least one connection member having an area defining at least one connection portion formed therein, wherein said at least one connection portion is operable to receive a fastening member so as to permit said plastic component to be fastened to at least one component other than said metal component (Column 7, lines 47 - 56) as in claim 22. Regarding claim 23, the flange is rectangular (Figure 4, #66). For claim 29, said edge of said first opening is curved (Figure 4, #54). With regard to claim 30, said flange extends beyond said curved edge of said first opening (Figure 4, #66). As in claim 31, said second opening is defined by a second edge in said metal component, said second edge being folded (Figures, wherein the metal edges can have multiple shapes as shown). Regarding claim 32, said plastic component includes attachment holes therethrough (Column 6, lines 20 - 27). As in claim 33, said first opening comprises a series of openings (Column 7, lines 34 - 36). For claim 34, at least one other opening in said metal component between said first and second openings and said flange extends between said first opening and at least one other opening (Column 7, lines 32 - 36). As in claim 35, said plastic component includes a portion that wraps around said metal component (Figure 4, #12 and 15).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 26 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper (USPN 6,644,722) in view of Palmer et al. (USPN 6,708,583).

Cooper discloses an integral plastic and metal part (Figures) comprising: a metal component having a closed cross section defining an interior and exterior (Figure 4; Column 7, lines 13 – 20) and having a first opening defining edges and a second opening opposite said first opening (Figure 4, #60 and 63) for allowing a core tool to be inserted into said interior of said metal component during a molding operation (Column 7, lines 24 – 32); and a plastic component disposed about at least a portion of said exterior of said metal component (Figure 4, #15), a portion of said plastic material disposed through said first opening and including a flange extending beyond said edges of said first opening and into said interior of said metal component for securing said plastic component to said metal component (Figure 4, #15 and 66), said plastic component not covering said second opening (Figure 4, #60); wherein said plastic component includes at least one integrally formed connection member extending outwardly therefrom, said at least one connection member having an area defining at least one connection portion formed therein, wherein said at least one connection portion is operable to receive a fastening member so as to permit said plastic component to be fastened to at least one other component (Column 6, lines 20 - 27). However, Cooper fails to disclose said plastic part includes ribs and the wrap portion includes ribs.

Palmer et al. teaches a shaft support made of plastic containing ribs (Abstract) for the purpose of providing reinforcement to the shell of the structure (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided plastic ribs in Cooper in order to provide reinforcement to the shell of the structure as taught by Palmer et al.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 22, 24, 26 and 29 - 30 have been considered but are moot in view of the new ground(s) of rejection. However, since the same prior art is being used above, the rejections will be responded to below.

In response to Applicant's argument that that Cooper fails to disclose a closed cross section, Cooper clearly discloses a closed cross section in Figure 4, which is a integral plastic and metal part or anchoring extension (Column 7, lines, 16 – 35) that is part of a larger piece. Even though the whole construction of Cooper is not a closed cross section, Cooper clearly disclosed that it is known to have a closed cross section as part of a plastic and metal part.

In response to Applicant's argument that that Cooper fails to disclose the plastic being disposed about the exterior surfaces of the metal component, Cooper clearly discloses a closed cross section in Figure 4, which is a integral plastic and metal part or anchoring extension

(Column 7, lines, 16 – 35), wherein the plastic is disposed on the exterior surface (Figure 4, #15) of the metal component (Figure 4, #12).

In response to Applicant's argument that that Cooper fails to disclose attaching the plastic component to at least one component other than said metal component, Cooper clearly discloses it is known to use the anchoring extension to another component (Column 7, lines 47 – 56). While the metal component is the one that would receive the threaded bolt, there would still need to be a hole, or connection portion, in the plastic layer in order for the metal part to receive the bolt.

In response to Applicant's statement with regard to the return of the Cooper reference, the reopening of prosecution and that no supportable rejection remains, it is clearly show that the Cooper reference should not have been withdrawn as shown by the still maintained rejections and the arguments in response to Applicant's statements against the reference.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Nordmeyer whose telephone number is (571)272-1496. The examiner can normally be reached on Mon.-Fri. from 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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